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ABSTRACT

This document provides a quick reference to the present status of collective bargaining in community/junior colleges in the several states and also provides a brief profile of the institutions organized to date. As of the spring of 1976, 315 community and junior colleges/campuses had bargaining representatives and/or contracts, an increase of 53 over one year earlier. Currently, 30.6% of the students and 32.89% of the faculty are in community/junior colleges represented by faculty bargaining agents (24.9% of all two-year campuses). Tabular data and narrative summaries of the profiles of institutions where unions exist constitute the bulk of this document. Other tables include: statutory references, with notes on special features, for the 24 states with higher education collective bargaining legislation; notes on recent bargaining-related decisions in the 26 states without higher education enabling legislation; summary of representative agents for public and private two-year colleges; and representative agents by state. A brief bibliography of recent publications is included. (JDS)

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SPECIAL REPORT #28

August 1976

STATE LEGISLATION AND THE STATUS OF COLLECTIVE BARGAINING IN COMMUNITY AND JUNIOR COLLEGES, 1976

by

Joseph N. Hankin*

This special report prepared by Dr. Hankin will provide Community College administrators and others interested in organizing among community college faculty with a handy desk top reference to the present status of legislation and/or organization in the several states. The report also provides a brief profile of the institutions organized to date. Yearly updates will provide readers the opportunity to readily observe trends in organizing and in changing legislation.

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Sponsored by the Association of American Colleges, the American Association of State Colleges and Universities, the National Association of State Universities and Land Grant Colleges, and the American Association of Community and Junior Colleges. Funded by the Carnegie Corporation of New York.

This, the third update of my "status" report, could not have been prepared without the assistance of and interchange of information among a number of people: William Regan of the Westchester Community College Institutional Research Office; Dr. George W. Angell, Edward P. Kelley, Jr., and Myra Ficklen of the Academic Collective Bargaining Information Service, 1818 R Street, N.W., Washington, D.C. 20009; Dr. Thomas Mannix and John Allen of the National Center for the Study of Collective Bargaining in Higher Education at Baruch College, the City University of New York, 17 Lexington Avenue, New York, New York 10010; and Dr. Thomas Emmet of Regis College, Denver, Colorado 80021.

As of the Spring of 1976 some 315 community and junior college colleges/campuses had bargaining representatives and/or contracts. This was an increase of 53 over one year earlier. Legislation exists in 24 of the 50 states. Currently 30.67 percent of the students, and 32.89 percent of the faculty in American community and junior colleges are in colleges/campuses represented by faculty bargaining representatives (24.90 percent of all two-year colleges/campuses).*

Forty-five of the 53 newly unionized institutions are in states whose legislation was approved in the last two years.

As additional legislation is enacted in the remaining 26 states, a corresponding increase in these figures may be expected.

State Legislation

Collective Bargaining in public higher education is a relatively recent phenomenon, most of it encouraged by state legislation enacted in the past 10 to 15 years. Wisconsin is generally credited with enacting the first comprehensive legislation to allow public sector collective bargaining in 1959, but it did not include post-secondary educational institutions. The first law expressly applying to post-secondary teaching personnel was that of Michigan in 1965. Some 24 states have adopted laws from 1965 through 1976 (See Table I) which allow public employees to bargain with professional community college employees on matters of wages, hours, and working conditions. In addition, bargaining has occurred in 3 states without statutes (Illinois, Maryland, Virginia - See Table II). Of the 26 states without statutes (See Table II),

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*The statistics in this report are up-to-date as of the Spring of 1976. However, the number of unionized colleges and campuses changes each week. For instance, as this article was being typed Kendall College in Illinois and Brevard Community College in Florida announced the selection of agents, and this author just learned of actions taken in Nebraska. These will be updated in the next year's report.

only three (Louisiana, Mississippi, and South Carolina) have have not had recent legislative activity which would permit at least some limited bargaining. Until the economic recession of the mid-1970's legislation was spreading rapidly. Some observers feel that as the economy improves a spate of new state collective bargaining legislation may be expected during the period 1977-1980. Others believe that the fiscal crises of New York City and other large cities may create a strong political counter-movement to public sector bargaining that may last a decade.

TABLE I

24 States with Collective Bargaining Legislation Covering Higher Education Personnel

STATE	STATUTORY REFERENCE	NOTE SPECIAL FEATURE
Alaska	Public Employment Relations Act Sec. 23.40.010 - 23.40.240	
California	Education Employees Collective Bargaining Act S.B. 160, 1975	In postsecondary sector, only community colleges.
Connecticut	State Employee Collective Bargaining PA 75-556 (SHB 5179, 1975)	
Delaware	Code: Right of Public Employees to organize: Title 19, Chapter 13, Sec. 1301-1313	Meet and confer only.
Florida	Statutes: Public Employee Relations Act Sec. 447.001-447.023	
Hawaii	Statutes: Public Employees Act: Sec. 89-1 - 89-17	
Iowa	SF 531 of 1974	
Kansas	Revised Statutes Sec. - 72-5413 - 72-5425	Meet and confer, but Supreme Court ruled 1973 that Act requires negotiation, not merely meeting and conferring.
Maine	University Employees Bargaining Rights: Title 26, Chapter 12, Sec. 1021-1034	Students have role.
Massachusetts	General Laws Annotated: State-County-Municipal Employee Law: Chapter 150-E, Sec. 1-15, 1974	

TABLE I (continued)

STATE	STATUTORY REFERENCE	NOTE SPECIAL FEATURE
Michigan	Statutes Annotated: Public Employee Relations Act Sec. 423.201 - 423.216	
Minnesota	Statutes Annotated: Employment Relations Act Sec. 179.61 - 179.87	
Montana	Public Employee Law: HB 481, 1975; Sec. 59-1601 - 59-1616	Students have role.
Nebraska	Revised Statutes: Public Employees Act Sec. 48-801 - 48-837	
New Hampshire	State Employee Bargaining Rights: Chapter 273-A	
New Jersey	Statutes Annotated: Employer-Employee Relations Act: Sec. 34-13A-1 - 34-13A-13	
New York	McKinney's Consolidated Laws Annotated: Taylor Act: Sec. 200 - 214 Civil Service Law	
Oregon	Revised Statutes: Public Employer Law: Sec. 243 711-243. 795	Students have role.
Pennsylvania	Purdon's Statutes Annotated: Public Employee Relations Act: Title 43, Sec. 1101.101 - 1101.2301	
Rhode Island	General Laws: State Employees: Sec. 36-11-1 - 36-11-12	
South Dakota	Compiled Laws: Public Employee Negotiation Law: Sec. 3-18-1 - 3-18-20	
Vermont	Ch. 27, L 1969: State Employee Labor Relations Act	Excludes State University Personnel.
Washington	Revised Code Annotated: Community College Negotiations Act: Sec. 28B 52.010 - 28B 52.200	In postsecondary sector only community college contract is not binding on future actions of legislature.
[illegible]n	Statutes Annotated: State Employment Labor Relations Act: Sec. 111.80 - 111.97	In postsecondary sector only community college.

Sources: 1) Education Commission of the States, '76 Update: Collective Bargaining in Education: A Legislator's Guide, Report #78, by Doris Ross, Denver Colorado, January, 1976.

2) Dr. Thomas A. Emmet, Assistant to the President, Regis College, Denver, Colorado.

TABLE II

26 States with No Mandatory Collective Bargaining Laws Covering Higher Education Personnel

STATE	NOTES
Alabama	
Arizona	
Arkansas	
Colorado	
District of Columbia	Public Employees have bargaining rights by executive order of the Commissioner of the District of Columbia
Georgia	
Idaho	Meet and confer law only for K-12 employees, not higher education.
Illinois	Illinois has no public employee collective bargaining statute, but under a 1966 judicial ruling, teachers and local employees may bargain collectively. State universities have conducted bargaining under personnel codes.
Indiana	Public Employee Labor Relations Chapter 4, IC 22-6 (HB 1298, 1975) Classified Employees only. A 1969 attorney-general's opinion states that public employers may not engage in collective bargaining until authorized by legislature.
Kentucky	A 1975 attorney-general's opinion states that the Governor is not authorized to grant bargaining rights to faculty unions.
Louisiana	
Maryland	No state legislation. Baltimore city allows collective bargaining for the community college in its jurisdiction.
Missouri	Vernon's Annotated Statutes: Public Employee Law: Sec. 105.500 - 105.540. Classified Employees only. Meet and confer only. A State Supreme Court decision of 1974 says that professional negotiations are not prohibited, but agreements may not be binding on school boards.
Mississippi	
Nevada	Collective bargaining law only for K-12 employees, not higher education.

TABLE II (continued)

STATE	NOTES
New Mexico	A 1971 attorney-general's opinion indicates a limited collective bargaining right for public employees. State personnel board rules include limited bargaining procedure for classified state employees.
North Carolina	State general statutes barring public employee membership in national labor organizations was declared unconstitutional by U.S. District Court in 1970; section forbidding state contracts with unions was upheld.
North Dakota	Collective bargaining law only for K-12 employees, not higher education.
Ohio	
Oklahoma	Collective bargaining law only for K-12 employees, not higher education.
South Carolina	
Tennessee	
Texas	A 1975 attorney-general's opinion states that employers are obligated to hear grievances, but not to bargain.
Utah	A right to work law allows organization but not negotiations.
Virginia	In 1962 and in 1970 attorney-general's opinions ruled that local employees and teachers have the right to bargain. State has no public employee collective bargaining legislation.
West Virginia	
Wyoming	

Sources: 1) Education Commission of the States, '76 Update: Collective Bargaining in Education: A Legislator's Guide, Report #78, by Doris Ross, Denver, Colorado, January, 1976.

2) Dr. Thomas A. Emmet, Assistant to the President, Regis College, Denver, Colorado.

Unionized College/Campuses*

While 24 States (See Table I) have statutes, and 3 others have colleges with agents and/or contracts, activity is really concentrated in 6 states where 174 (or 55.23 per cent) of the 315 unionized colleges/campuses are located - Illinois, Michigan, New Jersey, New York, Washington, and Wisconsin - representing 71.07 per cent and 69.29 per cent, respectively, of students and faculty members at unionized two-year institutions. Other states having significant numbers or percentages of institutions, students, and/or faculty in unionized colleges are: Alaska, Connecticut, Delaware, Hawaii, Iowa, Maine, Massachusetts, Minnesota, Oregon, Pennsylvania, and Rhode Island.

Table III lists by state the number of colleges/campuses with contracts or agents, and the number of students and faculty members at such institutions. In the aggregate we find:

-- 315 colleges/campuses out of 1209 (or 24.90 per cent) have contracts or agents.

-- These 315 colleges/campuses have a total credit enrollment of 1,234,951 or 30.63 percent of the total credit students in American community and junior colleges.

-- These 315 colleges/campuses have a total non-credit or continuing education enrollment (as defined by the 1976 Directory of the American Association of Community and Junior Colleges) of 411,420 or 30.79 percent of the total continuing education enrollment in American community and junior colleges.

-- Taking together the credit and non-credit student enrollments, there are 1,646,371 students, or 30.67 percent of the total enrollment in American community and junior colleges, on the 315 colleges/campuses which have collective bargaining contracts or agents.

-- These 315 colleges/campuses employ 61,880 faculty members** or 32.89 percent of the total faculty in American community and junior colleges.

-- Whereas 203 of this nation's 1209 community and junior colleges, or 15.96 percent are independent, only 10 of the

*Since a significant number of community colleges have separate branch campuses, this article counts the institutions in the same manner as they are enumerated in the 1976 Directory of the American Association of Community and Junior Colleges.

**Note that full-and part-time faculty members are counted as in the 1976 Directory. No determination has been made as to whether both are in the same bargaining unit.

315, or 3.17 percent unionized colleges/campuses are.

-- Of the 1006 public communuty and junior colleges, 305 or 30.32 percent are unionized; of the 203 independent institutions, 10 or 4.93 percent are unionized.

-- The average credit enrollment in American community and junior colleges in October 1975 was 3,335; the average credit enrollment in unionized colleges was 3,920. The average non-credit enrollments were 1,105 and 1.306 respectively. Thus the total head count enrollment in all and in unionized colleges amounted to 4,440 and 5,226.

-- Similarly, the average size faculty in all institutions in the 1974-1975 academic year was 156, but in unionized institutions it was 196.

-- Some 27 states with 632 colleges/campuses had not a single contract or agent (including 4 with permissive legislation - California, Nebraska, New Hampshire and South Dakota). The remainder of 262 non-unionized colleges/campuses were in states where there was at least one contract or agent (including 3 States without permissive legislation - Illinois, Maryland and Virginia).

-- In only two States (Hawaii and Washington) were all colleges/campuses represented by an agent. If only public institutions are counted, in five states (Alaska, Connecticut, District of Columbia, Hawaii, Rhode Island and Washington), all public two-year institutions are represented; a few others are close: 4 of 5 in Delaware, 6 of 8 in Maine, 15 of 19 in Massachusetts, 30 of 33 in Michigan, 18 of 20 in Minnesota, 15 of 16 in New Jersey, 44 of 47 in New York State, and 13 of 17 in Pennsylvania.

-- The percentage of student enrollment and of faculty in unionized institutions ranges from 0 to 100, with, as indicated above, the average 30.63 and 32.89 respectively. In addition to Hawaii and Washington, where all institutions are unionized, some states are approaching the point where virtually all eligible faculty members are covered (93.88 in Alaska, 89.44 in Connecticut, 89.19 percent in Michigan, 82.34 percent in Minnesota, 97.42 in New Jersey, 94.34 per cent in New York, 82.56 percent in Oregon, and 84.18 in Wisconsin).

TABLE III

AMERICAN COMMUNITY AND JUNIOR COLLEGES, 1976: EXTENT OF COLLECTIVE BARGAINING

State	Total Number of Colleges			No. of Col/Campuses with Contracts or Agents			Total Enrollment Credit Oct. 1975	Enroll. in Col/Campus with Contract or Agents Credit Oct. 1975	Total Continuing Educ. Enroll. Oct. 1975	Continuing Educ. Enroll. in Col/Campuses with Contracts or Agents Oct. 1975	Total Faculty 1975-76	No. Faculty in Col/Campuses with Agents/Contracts 1975-76
	Total	Public	Ind.	Total	Public	Ind.						
Alabama	35	29	6	0	0	0	60,528	0	12,345	0	2,769	0
Alaska*	11	10	1	10	10	0	10,117	9,841	2,257	2,242	670	629
Arizona	16	15	1	0	0	0	98,593	0	8,942	0	4,175	0
Arkansas	13	9	4	0	0	0	12,405	0	6,690	0	669	0
California*	109	103	6	0	0	0	1,115,073	0	235,073	0	38,756	0
Colorado	15	15	0	0	0	0	38,727	0	22,510	0	2,204	0
Connecticut*	22	16	6	17	16	1	38,266	36,269	4,879	4,378	1,667	1,491
Delaware*	7	5	2	4	4	0	12,109	7,507	586	414	698	450
D. of C.	4	1	3	1	1	0	6,546	5,415	647	215	183	78
Florida*	34	31	3	3	3	0	169,920	22,170	121,048	13,686	7,439	928
Georgia	24	16	8	0	0	0	43,992	0	12,782	0	2,008	0
Hawaii*	7	7	0	7	7	0	20,641	20,641	8,401	8,401	820	820
Idaho	4	2	2	0	0	0	9,091	0	1,581	0	482	0
Illinois	55	48	7	21	21	0	284,518	154,772	50,638	29,369	12,977	6,464
Indiana	16	14	2	0	0	0	15,453	0	1,889	0	926	0
Iowa*	31	26	5	19	19	0	31,176	21,891	132,199	67,738	2,036	1,383
Kansas*	25	21	4	9	9	0	29,844	13,892	9,897	3,792	1,768	787
Kentucky	22	15	7	0	0	0	33,030	0	6,208	0	1,651	0
Louisiana	7	6	1	0	0	0	15,068	0	255	0	766	0
Maine*	9	8	1	6	6	0	8,233	3,995	7,025	4,643	648	362
Maryland	20	18	2	2	2	0	78,843	9,656	32,952	3,200	4,103	460
Massachusetts*	37	19	18	20	15	5	80,638	62,333	13,987	13,041	3,819	2,542
Michigan*	37	33	4	30	30	0	189,848	174,524	9,149	5,323	8,422	7,512
Minnesota*	24	20	4	18	18	0	30,494	27,264	9,444	9,131	1,580	1,301
Mississippi	23	18	5	0	0	0	34,714	0	7,639	0	1,948	0
Missouri	20	14	6	0	0	0	53,398	0	12,177	0	2,477	0
Montana*	3	3	0	1	1	0	2,964	583	775	700	144	27
Nebraska	13	12	1	0	0	0	12,565	0	14,448	0	1,224	0
Nevada	3	3	0	0	0	0	12,515	0	275	0	555	0
New Hampshire*	10	7	3	0	0	0	4,548	0	886	0	353	0
New Jersey*	20	16	4	17	15	2	88,654	87,052	20,405	20,335	4,106	4,000
New Mexico	13	13	0	0	0	0	15,766	0	3,893	0	1,004	0

*These states have legislation enabling collective bargaining

TABLE III (continued)

AMERICAN COMMUNITY AND JUNIOR COLLEGES, 1976: EXTENT OF COLLECTIVE BARGAINING

State	Total Number of Colleges			No. of Col/Campuses with Contracts or Agents			Total Enrollment Credit Oct. 1975	Enroll. in Col/Campus with Contract or Agents Credit Oct. 1975	Total Continuing Educ. Enroll. Oct. 1975	Continuing Educ. Enroll. in Col/Campuses with Contracts or Agents Oct. 1975	Total Faculty 1975-76	No. Faculty in Col/Campuses with Agents/ Contracts 1975-76
	Total	Public	Ind.	Total	Public	Ind.						
New York*	61	47	14	45	44	1	275,974	263,030	37,933	36,108	15,114	14,258
North Carolina	67	56	11	0	0	0	107,310	0	142,448	0	7,180	0
North Dakota	5	5	0	0	0	0	6,830	0	7,113	0	403	0
Ohio	53	49	4	0	0	0	115,225	0	15,494	0	5,641	0
Oklahoma	19	15	4	0	0	0	37,974	0	8,141	0	1,512	0
Oregon*	16	14	2	8	8	0	67,281	52,838	47,200	39,616	4,805	3,967
Pennsylvania*	31	17	14	13	13	0	78,104	54,109	42,120	34,080	4,712	3,394
Rhode Island*	2	1	1	1	1	0	16,077	7,520	8,140	640	695	283
South Carolina	28	23	5	0	0	0	42,558	0	16,885	0	2,923	0
South Dakota*	5	1	4	0	0	0	1,319	0	1,125	0	258	0
Tennessee	20	13	7	0	0	0	32,092	0	3,994	0	1,579	0
Texas	68	61	7	0	0	0	249,480	0	88,782	0	11,517	0
Utah	5	5	0	0	0	0	11,976	0	729	0	758	0
Vermont*	7	2	5	1	1	0	4,663	644	19	0	459	48
Virginia	38	33	5	1	0	1	90,366	665	15,179	0	4,560	52
Washington*	27	27	0	27	27	0	129,429	129,429	11,962	11,962	6,467	6,467
West Virginia	12	10	2	0	0	0	17,136	0	641	0	977	0
Wisconsin*	49	47	2	34	34	0	79,661	68,911	112,378	102,406	4,962	4,177
Wyoming	7	7	0	0	0	0	10,120	0	4,258	0	594	0
TOTALS	1,209	1,006	203	315	305	10	4,031,852	1,234,951	1,336,423	411,420	188,163	81,880

Sources: 1) American Association of Community and Junior Colleges 1976 Community and Junior College Directory, Sandra L. Drake, Editor, Washington, D.C. January 1976.
2) Also, various data from the Academic Collective Bargaining Information Service, Washington, D.C.
3) The National Center for the Study of Collective Bargaining in Higher Education
4) And the author's direct inquiree.

Representative Agents

The chief agents* are shown in TABLE IV and TABLE V in Summary form and by State.

TABLE IV

Summary of Representative Agents
Community and Junior Colleges, 1976

	TOTAL	PUBLIC	INDEPENDENT/PRIVATE
American Association of University Professors (AAUP)	4	2	2
American Federation of State, County and Municipal Employees (AFSCME)	12	12	0
American Federation of Teachers (AFT)	109	105	4
Independent (IND)	31	30	1
National Education Association (NEA)	151	148	3
National Education Association/ American Association of University Professors (NEA/AAUP)	7	7	0
National Education Association/ Independent (NEA/IND)	1	1	0
TOTAL	315	305	10

Sources: 1) Academic Collective Bargaining Information Service
2) National Center for the Study of Collective Bargaining in Higher Education
3) the present author's correspondence and communications

*For a detailed discussion of the difference among agents see Joseph N. Hankin, "What's Past is Prologue," in Richard J. Ernst, ed., Adjusting to Collective Bargaining, November 11, New Directions for Community Colleges, San Francisco: Jossey-Bass, Inc., pp.13-22.

TABLE V

Representative Agents, by State, Community and Junior Colleges, 1976

STATE	TOTAL Pub/Pvt	NEA Pub/Pvt	AFT Pub/Pvt	AAUP Pub/Pvt	AFSCME Pub/Pvt	IND or ACCF Pub/Pvt	NEA/ AAUP Pub/Pvt	NEA/ IND Pub/Pvt
Alabama	0							
Alaska	10/0		10/0					
Arizona	0							
Arkansas	0							
California	0							
Colorado	0							
Connecticut	16/1		4/1		12/0			
Delaware	4/0	4/0						
D. of C.	1/0		1/0					
Florida	3/0		1/0	1/0				1/0
Georgia	0							
Hawaii	7/0						7/0	
Idaho	0							
Illinois	21/0	3/0	16/0	1/0		1/0		
Indiana	0							
Iowa	19/0	19/0						
Kansas	9/0	7/0				2/0		
Kentucky	0							
Louisana	0							
Maine	6/0	6/0						
Maryland	2/0		2/0					
Massachusetts	15/5	15/2	0/3					
Michigan	30/0	22/0	4/0			4/0		
Minnesota	18/0	18/0						
Mississippi	0							
Missouri	0							
Montana	1/0					1/0		
Nebraska	0							
Nevada	0							
New Hampshire	0							
New Jersey	15/2	11/0	4/0	0/2				
New Mexico	0							
New York	44/1		25/0			19/1		
North Carolina	0							
North Dakota	0							
Ohio	0							
Oklahoma	0							
Oregon	8/0	5/0	2/0			1/0		
Pennsylvania	13/0	6/0	7/0					
Rhode Island	1/0	1/0						
South Carolina	0							
South Dakota	0							
Tennessee	0							

TABLE V (continued)

Representative Agents, by State, Community and Junior Colleges, 1976

STATE	TOTAL Pub/Pvt	NEA Pub/Pvt	AFT Pub/Pvt	AAUP Pub/Pvt	AFSCME Pub/Pvt	IND or ACCF Pub/Pvt	NEA/ AAUP Pub/Pvt	NEA/ IND Pub/Pvt
Texas	0							
Utah	0							
Vermont	1/0		1/0					
Virginia	0/1	0/1						
Washington	27/0	16/0	11/0					
West Virginia	0							
Wisconsin	34/0	15/0	17/0			2/0		
Wyoming	0							
TOTALS	305/10	148/3	105/4	2/2	12/0	30/1	7/0	1/0

Source: 1) Academic Collective Bargaining Information Service
2) National Center for the Study of Collective Bargaining in Higher Education
3) the present author's correspondence and communication.

SUMMARY

More faculties in public than private two-year institutions have been unionized. Since the time when the summary was completed last year there are 3 additional private institutions with contracts and/or agents and 50 additional public institutions for a total of 10 private and 305 public colleges. Since a large proportion of two-year colleges has already been unionized, there may be, in the years ahead, a greater proportion of activity in the four-year institutions. Nonetheless two-thirds of the two year faculties are employed in institutions without agents where a good deal of union activity may be expected.

Unionization in higher education is a relatively new phenomenon. The bulk of the activity has occurred since 1969. Already statutes have been enacted in almost half of the states, and there has been considerable legislative activity in several others. Faculty organization in two-year colleges has been generally concentrated in 6 states with some organization occurring in states without statutes especially since the NLRB decision in 1970 relating to the private sector.* Of the 53 new institutions added to the list during the past year, 45 are found in states with statutes passed in the last two years. It is obvious that state legislation is a controlling factor in the extension of bargaining. It is estimated that by 1980, the majority of states in the nation will allow collective bargaining for public employees of higher education institutions, and some feel that five years later virtually all public, as well as a significant percentage of private employees will be covered.

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*For a full discussion of this topic see Ralph E. Kennedy, "The Educators' Role in Educating the NLRB: Requirements of a Complete Record," Journal of College and University Law, Summer, 1974 pp.301-323

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